

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

ANTONIO D. HARPER,

Case No. 2:22-cv-00250-ART-VCF

1

Plaintiff.

ORDER

JOSEPH LOMBARD, *et al.*

Defendants.

11 Pro se Plaintiff Antonio Harper (“Harper”) brings this action under 42
12 U.S.C. § 1983. Before the Court is the Report and Recommendation (“R&R” or
13 “Recommendation”) of United States Magistrate Judge Cam Ferenbach (ECF No.
14 7), recommending that this Court dismiss this case. Plaintiff had until July 11,
15 2022, to file an objection. To date, no objection to the R&R has been filed. For
16 this reason, and as explained below, the Court adopts the R&R.

17 The Court “may accept, reject, or modify, in whole or in part, the findings
18 or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where
19 a party fails to object to a magistrate judge’s recommendation, the Court is not
20 required to conduct “any review at all . . . of any issue that is not the subject of
21 an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v.*
22 *Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“*De novo* review of the
23 magistrate judges’ findings and recommendations is required if, but *only* if, one
24 or both parties file objections to the findings and recommendations.”) (emphasis
25 in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that
26 the Court “need only satisfy itself that there is no clear error on the face of the
27 record in order to accept the recommendation.”).

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Because there is no objection, the Court need not conduct de novo review, and is satisfied Magistrate Judge Ferenbach did not clearly err. Judge Ferenbach previously dismissed Harper's first complaint with leave to amend. (ECF No. 3). Harper filed an amended complaint. (ECF No. 5.) Judge Farenbach has screened Harper's amended complaint and recommends dismissing it. (ECF No. 7.) Judge Ferenbach previously found that Harper had failed to state Fourth Amendment, Fourteenth Amendment, and False Arrest claims pursuant to Rule 8. (ECF No. 3.) He found that Harper failed to state a respondeat superior claim against Sheriff Lombardo. (*Id.* at 6.) Judge Ferenbach explains that he finds Harper's amended complaint more difficult to follow than his first complaint. Harper still brings claims for false arrest and violations of the Fourth and Fourteenth Amendment but does not state whether Sheriff Lombardo personally participated in his arrest. Harper's amended complaint does not address the respondeat superior or the Rule 8 issues previously identified. Harper does not indicate in his amended complaint whether he was charged and convicted, or whether charges were dropped, or whether any conviction has been invalidated.

Having reviewed the R&R and the record in this case, the Court will adopt the R&R in full.

IT IS THEREFORE ORDERED that Magistrate Judge Cam Ferenbach's Report and Recommendation (ECF No. 7) is accepted and adopted in full.

IT IS FURTHER ORDERED that this case is DISMISSED WITHOUT PREJUDICE; and,

IT IS FURTHER ORDERED that the Clerk of the Court shall administratively close this case.

DATED THIS 28th Day of September 2022.



ANNE R. TRAUM
UNITED STATES DISTRICT JUDGE